

**DECISION
GRAFTON PLANNING BOARD**

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**SPECIAL PERMIT (SP 2018-1) & SITE PLAN APPROVAL DECISION
Conversion of Single Family Dwelling to Two Family Dwelling
263 Providence Road, South Grafton, MA**

Matthew Firlings and Amy Firlings (Applicants / Owners)

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Matthew Firlings and Amy Firlings, 263 Providence Road, South Grafton, MA 01520 (hereinafter the Applicant / Owner), for a Special Permit (SP 2018-1) and Site Plan Approval to convert a single-family dwelling to a two-family dwelling on property located at 263 Providence Road, South Grafton, and shown as Grafton Assessor's Map 115, Lot 19; (hereinafter the Site), and owned by the Applicant by deed recorded in the Worcester District Registry of Deeds Book 51896, Page 309.

I. BACKGROUND

The application for the Special Permit and Site Plan Approval (hereinafter Application) was filed with the Planning Board on January 5, 2018. Notice of the public hearing and the subject matter thereof was published in the Grafton News on February 8 & 15, 2018, and posted with the Town Clerk's Office on January 31, 2018. Abutters were notified by First Class Mail. The public hearing on the Application was held on February 26, 2018.

The following Board members were present throughout the public hearing: Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk J. Daniel Graham, Members Linda Hassinger and David Robbins, and Associate Member Sharon Carroll-Tidman. At the hearing, the Owners presented the Application to the Board. The record of proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or in the Office of the Planning Board. Following public input, the hearing was closed on February 26, 2018.

II. SUBMITTALS

The following items were submitted to the Board for its consideration of this application:

1. Unbound Application packet submitted by the Owner / Applicant, received January 5, 2018, including the following:
 - a. Application for Special Permit, stamped by the Town Clerk's Office on January 5, 2018; 1 page.
 - b. Application for Site Plan Approval; stamped by the Town Clerk's Office on January 5, 2018; 1 page.
 - c. Certificate of Good Standing, signed by the Treasurer / Collector's Office on December 29, 2017; 1 page.
 - d. Certified Abutters List, signed by Assessor's Office on December 27, 2017; 1 page.
 - e. Project Narrative, signed by the Owner / Applicant: Matthew Firlings, 1 page.
 - f. Detailed Description of Proposed Work to be Performed / Waiver Requests; 3 pages.
 - g. GIS Map, Parking Plan; received January 5, 2018; Color, 8 1/2" x 11", 1 page.
 - h. Sketch Plan, Proposed Carriage House Apartment Conversion, 8 1/2" x 11", 1 page.
 - i. Site photos, color, 8 1/2" X 11"; 3 pages.

2. Legal Notice for Public Hearing; stamped by the Town Clerk's Office on January 31, 2018; 1 pages.
3. Revised Project Narrative, signed by Owner / Applicant: Matthew & Amy Firlings, no date, received February 2, 2018; 1 page.
4. Email, Subject: SP 2018-1: 263 Providence Road, Comments from Police Chief, dated and received February 2, 2018; 1 page.
5. Email, Subject: SP 2018-1: 263 Providence Road, Comments from Board of Health, dated and received February 2, 2018; 1 page.
6. Email, Subject: SP 2018-1: 263 Providence Road, Comments from Conservation Agent, dated and received February 5, 2018; 1 page.
7. Email, Subject: SP 2018-1: 263 Providence Road, Comments from Barry Smith of 7 Garden Street, dated February 4, 2018, received February 5, 2018; 1 page.
8. Email, Subject: SP 2018-1: 263 Providence Road, Comments from Zoning Board of Appeals, dated and received February 12, 2018; 1 page.

III. FINDINGS

At their meeting of March 19, 2018, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to make the following Findings:

1. That determinations regarding the following Findings are based upon the documents plans identified in this Decision, as well as the information and Exhibits submitted and presented in association with the Applications.
2. That determinations regarding the following Findings are also predicated upon the maintenance of the Site in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
3. That this Application is to convert an existing single-family dwelling to a two-family dwelling on the Site as defined in Section 3.2.3.1 (Residential Uses) of the Grafton Zoning By-law (hereinafter ZBL), as shown on the plans and described by the applicant in Exhibit #1 of this Decision.
4. That the subject Site is located in two zoning districts; the first 200'± lot width from Providence Road is located in the R-20 and the remaining in the R-40 zoning district to the rear of the lot.
5. That two-family structures are permitted in an R-20 zoning district only upon the issuance of a Special Permit by Planning Board.
6. That the subject Site is partially located within the Water Supply Protection Overlay District.
7. That during the public hearing, the Owners reviewed the Application. The existing property was used as a single-family dwelling and the space above the carriage house was used in conjunction with a home workshop. The Owners are proposing to create two new bedrooms and install a small kitchen keeping the exterior footprint the same. The first floor of the carriage house will continue being used as a home workshop for the Owners.

8. The Board noted that the Site is located near the Village Mixed Use and Residential Multi-Family zoning district both of which allow for more dense residential construction.
9. That during the Public Hearing the Board and the Applicant discussed the changes to the property and how parking would be accommodated. Since the Zoning By-law required 4 parking spaces, the Board reviewed the parking plan included in the Application (Exhibit #1) that illustrated that they are compliance with parking requirements.
10. The Board notes that it received correspondence from the Board of Health regarding review of the Application (see Exhibit #5). The Board of Health notes that the dwelling is served by municipal water and sewer.
11. The Board notes that it received correspondence from the Conservation Administrator regarding review of the Application (see Exhibit #6). They state that they have no comments or objections to the Application at this time.
12. The Board notes that it received correspondence from the Zoning Board of Appeals regarding review of the Application (see Exhibit #8). They state that they have no comments or objections to the Application as long as there are no alterations to the footprint of the building.
13. No public comment was received during the public hearing.
14. With regard to Section 1.5.5 (a) of the ZBL, that based upon the Findings stated within this Decision, ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, are adequate.
15. With regard to Section 1.5.5(b) of the ZBL, that based upon the Findings stated within this Decision, off-street parking and loading areas where required, and the economic, noise, glare, or odor effects of the Special Permit on adjoining properties and properties generally in the district are satisfactory.
16. With regard to Section 1.5.5(c) of the ZBL, that based upon the Findings stated within this Decision, refuse collection or disposal and service areas are satisfactory.
17. With regard to Section 1.5.5(d) of the ZBL, that based upon the Findings stated within this Decision, screening and buffering with reference to type, dimensions and character are adequate.
18. With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect are compatible and in harmony with properties in the district.
19. With regard to Section 1.5.5(f) of the ZBL, that based upon the Findings stated within this Decision, the required yards and other open space requirements are adequate.
20. With regard to Section 1.5.5(g) of the ZBL, that the proposed use of the property (as presented in the Exhibits stated within this Decision) is generally compatible with adjacent properties and properties in the district.
21. With regard to Section 1.5.5(h) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, they will not have a significant adverse impact on a public or private water supply. The structure will be served by Town water and sewer services.

22. With regard to Section 1.5.5(i), that the Board finds that based on the Exhibits and Findings stated within this Decision that there will not be any significant or cumulative impact upon municipal water supplies and that the expansion of the parking lot will occur outside of the Water Supply Protection Overlay District. The structure will be served by Town water and sewer services.
23. With regard to Section 1.5.5(j) of the ZBL, that, based upon the Findings stated within this Decision, protection of important historic, cultural and scenic landscapes with regard to the proposed development is satisfactory. No information was received or discussed regarding this matter.
24. That Section 1.3.3.2 of the ZBL requires that the procedure for Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.
25. That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board. The Board further finds that Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure.
26. That pursuant to Section 1.3.3.4 of the ZBL, the Applicant requested waivers from the following requirements for preparing site plans, as follows (see Exhibit #1):
 - Section 1.3.3.3 (d) – Site Plan preparation requirements listed in Exhibit #1.
 - Section 1.3.3.3 (e) - Stormwater Management Report
 - Section 1.3.3.3 (f) – Earth Movement Calculations
 - Section 1.3.3.3 (g) – Written Statements
27. That with respect to the nature of this particular Application (see Exhibit #1 of this Decision), the waivers requested, and the resulting site plan; are not contradictory or inconsistent with the intent and purposes set forth in Sections 1.2 and 1.3.3.1 of the ZBL.

IV. WAIVERS

1. At their meeting of March 19, 2018, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Applicant's request for waivers from the following requirements of Section 1.3.3.3 (d), (e), (f) & (g) of the ZBL, for the reasons stated within the Findings of this Decision:
 - (10.) Wetlands, Streams, Buffer Areas
 - (12.) Existing and proposed topography at two-foot elevation intervals
 - (14.) Extent and type of all existing and proposed surfaces
 - (15.) Lot coverage
 - (17.) Volume of Earth Material
 - (19.) Parking and loading spaces
 - (20.) Service areas and all facilities for screening
 - (21.) Landscaping
 - (22.) Lighting
 - (23.) Proposed signs
 - (24.) Sewage, refuse disposal

- (25.) Stormwater Management
- (27.) Exterior storage and fences
- (28.) Utilities and their exterior appurtenances
- (29.) Dust and erosion control
- (30.) Existing vegetation
- (e) Storm Water Management
- (f) Calculations for Earth Removal
- (g) Written Statements

The Planning Board noted that the vote to grant these waivers was based on the size and scope of the project as well as the absence of specific concerns during the public hearing (see Findings #4-#13). The proposed use and its impacts to the surrounding neighborhood were found to be minimal and did not warrant the need for a traffic study.

V. DECISION and CONDITIONS

At their meeting of March 19, 2018, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Application for Special Permit and Site Plan Approval with the following conditions:

1. That this Special Permit and Site Plan Approval is granted specifically to convert a single-family dwelling to a two-family dwelling as defined by the Grafton Zoning By-Law and as identified in Exhibit #1 and as presented by the Applicant during the public hearing.
2. The work authorized by this Special Permit and Site Plan Approval shall be solely for the purposes noted within Condition #1 of this Decision. Changes to the plan presented in this Application may be made only upon authorization from the Planning Board. Such authorization shall only be granted provided the Board finds that any change requested by the Applicant is not substantially different than the plan presented within the Exhibits of this Decision, and is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.
3. All maintenance of the Site hereafter shall be in accordance with all applicable Federal, State and Local regulations.
4. In accordance with Section 1.5.8 of the ZBL, this Special Permit and Site Plan Approval shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use, or construction, has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
5. This Special Permit decision shall be recorded at the Worcester District Registry of Deeds within thirty (30) days following the expiration of the appeal period. A copy of such recorded Special Permit decision, including Deed Book and Page Number shall be submitted to the Planning Board office within thirty (30) days of recording.

6. By recording this Special Permit Decision in the Worcester Registry of Deeds, the applicant agrees to and accepts the conditions set forth in this Special Permit decision.
7. Any modification to the use or Site as described within this Decision and as presented to the Board during the public meeting and in the above referenced Exhibits shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision (or other approvals if deemed necessary) if it finds that the proposed change(s) are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any Modification of this Decision shall be made pursuant to Section 1.3.3 of the Zoning By-law, and any other applicable regulations.

VI. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 5-0 to **APPROVE** the Special Permit & Site Plan Approval Application with Conditions convert a single-family dwelling to a two-family dwelling at 263 Providence Road based on the information received at the public hearing and the aforementioned findings.

<u>Michael Scully, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Robert Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>David Robbins, Member</u>	<u>AYE</u>
<u>J. Daniel Graham, Clerk</u>	<u>AYE</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Joseph Laydon, Town Planner

3-20-2018

Date

cc: Applicant / Owner
• Building Inspector
• Assessor

To Whom It May Concern: This is to certify and verify that the twenty (20) days have elapsed since this decision was filed in the Town Clerk's office and that no appeals have been filed in reference to same, or that, if such appeal has been filed, it has been dismissed or denied.

Kandy Lavellee, Interim Town Clerk

Date